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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

NORTH-439A

First named inventor: Steven Allen Schwartz

Application No.: 09/870,805

Art Unit: 2623

Filed: May 31, 2001

Examiner: Jingge Wu

RECEIVED

JAN 25 2005

OFFICE OF PETITIONS

Title: SYSTEM AND METHOD FOR AUTOMATIC RECOGNITION FORMATIONS IN MOVING  
TARGET INDICATION DATA

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Office Action

(identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 13, 2005  
Date

  
Signature

Telephone  
Number: (949) 855-1246

BRUCE B. BRUNDA  
Typed or printed name

75 Enterprise, Suite 250  
Address

Enclosures: ☒ Fee Payment

Aliso Viejo, CA 92656

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

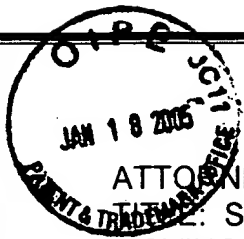
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☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

January 13, 2005  
Date

  
Signature

Dawn A. Privett  
Type or printed name of person signing certificate



ATTORNEY DOCKET NO: NORTH-439A

TITLE: SYSTEM AND METHOD FOR AUTOMATIC RECOGNITION FORMATIONS IN  
MOVING TARGET INDICATION DATA

**Certificate of Mailing under 37 CFR 1.8 or 37 CFR 1.10**

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JAN 25 2005

OFFICE OF PETITIONS

on January 13, 2005

(Signature)

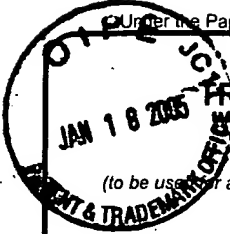
Dawn A. Privett

(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Petition to Revive an Abandoned Application (unintentional delay) (of 2 pages);
2. Exhibit 1 – Response to Office Action (of 8 pages);
3. Exhibit 2 – Petition for Revival of an Application for Patent Abandoned Unintentionally Transmittal;
4. Fee Transmittal (in duplicate);
5. Check for \$1,500.00;
6. Transmittal Form;
7. Certificate of Mailing; and
8. Return Postcard.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/870,805	<b>RECEIVED</b> <b>JAN 25 2005</b> <b>OFFICE OF PETITIONS</b>
	Filing Date	May 31, 2001	
	First Named Inventor	Steven Allen Schwartz	
	Art Unit	2623	
	Examiner Name	Jingge Wu	
Total Number of Pages in This Submission	Attorney Docket Number	NORTH-439A	

**ENCLOSURES (Check all that apply)**


<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Revive-Unintentional; Check for \$1,500; Certificate of Mailing; and Return Postcard.
Remarks _____		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Bruce B. Brunda
Signature	STETINA BRUNDA GARRED & BRUCKER - Customer No. 007663
Date	January 13, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Dawn A. Privett		
Signature		Date	January 13, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 09/870,805  
Attorney Docket: NORTH439A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Steven Allen Schwartz	)	Confirmation No.	1278
		)		
Serial No.:	09/870,805	)	Art Unit:	2623
		)		
Filed:	May 31, 2001	)	Examiner:	Jingge Wu
		)		
For:	SYSTEM AND METHOD FOR	)		
	AUTOMATIC RECOGNITION	)		
	FORMATIONS IN MOVING	)		
	TARGET INDICATION DATA	)		

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JAN 25 2005  
OFFICE OF PETITIONS

**PETITION TO REVIVE AN ABANDONED APPLICATION**  
**PURSUANT TO 37 C.F.R. 1.137(b) (UNINTENTIONAL DELAY)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant respectfully petitions to revive an anticipated abandoned application for the above-identified application pursuant to 37 C.F.R. 1.137(b). 37 C.F.R. 1.137(b) recites that a petition to revive an abandoned application may be filed if the delay in reply by Applicant was unintentional. Such Section also further recites that a grantable petition must be accompanied by (1) the reply required to the outstanding Office Action; (2) the Petition fee as set forth in Section 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) any Terminal Disclaimer required pursuant to paragraph (d) of Section 1.137.

According to the United States Patent and Trademark Office's PAIR system, an Office Action was mailed on May 26, 2004 in relation to the above-identified application. Although the PAIR system does not indicate that a Notice of Abandonment has been mailed to the Applicant, Applicant anticipates that a Notice of Abandonment will be mailed by the USPTO to the Applicant in due time based on a view that six months have passed from the mail date of the last Office Action. Accordingly, Applicant respectfully submits this Petition

Application No.: 09/870,805  
Attorney Docket: NORTH439A

to Revive an Abandoned Application in anticipation of receiving the Notice of Abandonment from the USPTO.

In support of Applicant's petition, Applicant concurrently submits herewith the reply required to the outstanding Office Action of May 26, 2004 as Exhibit A. Further, the petition fee as set forth in Section 1.17(m) is also submitted herewith. Lastly, a statement by Bruce B. Brunda, Esq. is submitted as Exhibit B which states that the entire delay in filing the required reply from the due date, specifically, November 26, 2004, for the reply until the filing of this petition was unintentional.

The Terminal Disclaimer recited in 37 C.F.R. 1.137(a)(4) is not required based on a view that subsection (d) of 1.137 does not apply to the above-identified application. In particular, subsection (d) of 1.137 applies only in a design application, a non-provisional utility application filed before June 8, 1995, a non-provisional plant application filed before June 8, 1995, and in certain circumstances, a utility or plant application filed on or after June 8, 1995, but before May 29, 2000. The above-identified application was filed on May 31, 2001. Hence, a Terminal Disclaimer is not required for this petition.

It is submitted, that on the evidence provided, the present Petition to Revive an Abandoned Application should be granted. To the extent that the petition is granted, Applicant respectfully requests entry of the Response to the Office Action (see Exhibit A).

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 1/12/05

By: Bruce B. Brunda

Customer No.: 007663

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